

MINUTES OF THE MEETING
OF THE
CITY PLAN COMMISSION

TUESDAY, April 21, 2015

The City Plan Commission held its regular meeting on Tuesday, April 21, 2015 in the Council Chambers on the 26th Floor of City Hall. The following members were:

PRESENT

Ms. Babette Macy	Chairwoman (Arrived at Noon)
Rev. Stan Archie	Vice Chair (Left at Noon)
Mr. Enrique Gutierrez	Member
Ms. Margaret J. May	Member
Ms. Bobbi Baker-Hughes	Member
Mr. Coby Crowl	Member
Ms. Trish Martin	Member

ABSENT

None

ALSO PRESENT

Ms. Diane Binckley	Assistant Secretary
Mr. John Eckardt	Staff
Mr. Olofu Agbaji	Staff
Ms. Ashley Winchell	Staff
Ms. Patty Noll	Staff
Ms. Marty Campbell	Recording Secretary
Ms. Maggie Moran	Legal Counsel
Mr. Wei Sun	Public Works
Mr. Brett Cox	Land Development

Vice Chair Archie called the meeting to order at 9:15 A.M.

RE: Case No. 11924-P-15

APPLICANT: Melani Samora
Casey's Marketing Company
One Convenience Boulevard
Ankeny, IA 50021

PROPERTY OWNER: WB Seventeen, LLC
9601 N Platte Purchase Drive
Kansas City, MO 64155

CONTACT: Jeff Laubach
Phelps Engineering
1270 Winchester Rd
Olathe, KS 66061

LOCATION: generally located at the southeast corner of Shoal Creek Parkway
and N Oak Trafficway

REQUESTS: to consider approval of a Chapter 80 final plan to allow for the
construction of a convenience store, canopy and sixteen gas
pumps.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that the applicant had signed the consent agenda and agreed to all the conditions in the staff report.

Vice Chair Archie opened discussion to the public.

No one appeared in opposition.

Commissioner Crowl moved and Commissioner Martin seconded the motion to **APPROVE Case No. 11924-P-15 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That five (5) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be approved by the Development Management staff (15th Floor, City Hall) prior to issuance of building permit showing:

Plan corrections a-f per City Planning & Development, Development Management Division (Ashley Winchell, ashley.winchell@kcmo.org)

- a. A signage plan that meets the requirement of Chapter 88-445 in its entirety.
- a. Indicate on the signage plan that no electronic/ digital sign will be installed on site.
- b. Locations, dimensions and specifications of short- and long-term bicycle parking.
- c. A landscaping plan that meets the requirements of Chapter 88-425 in its entirety.
- d. Hours of operation on face of plan.
- e. A window added to the north elevation of the structure.
- f.

Landscaping including trees and shrubs added to the east side of the lot.

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, May
VOTING NAY: None
ABSENT: Macy

RE: **SD 1415 B, Final Plat, Kansas City Power and Light Southeast Campus**

APPLICANT/ OWNER: Joseph G. Jacobs
Kansas City Power & Light Co.
1200 Main St, 20th Floor
Kansas City, MO 64105

AGENT: Keith Beatty
Kaw Valley Engineering
1104 E. 12th Street
Emporia, KS 66801

LOCATION: Generally located at the northwest corner of I-470 and Raytown Road.

AREA: Approximately 83 acres.

REQUESTS: To consider approval of a final plat in District B3-5 (Community Business - dash 5), creating one (1) commercial lot.

Commissioner Crawl recused.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that the applicant had signed the consent agenda and agreed to all the conditions in the staff report.

Vice Chair Archie opened discussion to the public.

No one appeared in opposition.

Commissioner May moved and Commissioner Gutierrez seconded the motion to **APPROVE SD 1415B SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That plat be revised to show:
 - a. All corrections identified in the Land Development Division final plat checklist.
 - b. Add the City Plan Commission approved date once the plat has been recommended for approval by the City Plan Commission.
 - c. Label the lot as Lot 1.
 - d. Add the name and address of the developer and label as the 'Developer'.
 - e. The ownership name listed on the plat drawing must agree exactly with the ownership name(s) listed on the ownership certificate (OC).
 - f. Remove the wording under Public Works that states, Approved on this ____ Day of ____, 20__.
 - g. Sherri K. McIntyre, P.E., should be listed as the Director of Public Works in the signature block.
 - h. Sylvester "Sly" James, Jr. should be listed as the Mayor in the signature block.
 - i. Marilyn Sanders should be listed as the City Clerk in the signature block.
 - j. Label the Stream Buffer Easement and include the recording information.
 - k. Label the BMP Easement with recording information.
2. Further revisions and/or corrections of Land Development Division.
3. That the developer dedicate 60 feet right of way for a collector street for future 99th Street as required by Development Services as measured from the centerline of Old Raytown Road and tapering to provide the southerly half of 30 feet at the westerly property line. That the developer enter into an unsecured deferral agreement, prior to recording the final plat, for the improvement of the southern one-half of 99th Street to collector street standards, as required by Development Services.
4. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
5. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
6. The developer pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
7. The developer must show and label the final stream buffer zones on the subdivision plat within a private open space tract, as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.

8. The developer must show the limits of the 100-year floodplain on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year flood prone area on any plat and plan, as required by the Land Development Division.

Motion carried 5-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, May, and Macy
VOTING NAY: None
RECUSED: Crowl
ABSENT: Macy

RE: SD 1503 – Final Plat, Switzer Apartments

APPLICANT: Steve Foutch
Foutch Brothers, LLC
8201 NW 97th Terrace
Kansas City, MO 64153

OWNER: Switzer Apartments, LLC
8201 NW 97th Terrace
Kansas City, MO 64153

LOCATION: Generally located south of W 18th Street, west of Summit Street,
north of W 20th Street and east of Bellevue Avenue.

AREA: About 38 acres

REQUEST: To approve a final plat creating two (2) lots and the vacation of an
alleyway in District R-1.5 (Residential 1.5)

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that the applicant had signed the consent agenda and agreed to all the conditions in the staff report.

Vice Chair Archie opened discussion to the public.

No one appeared in opposition.

Commissioner Gutierrez moved and Commissioner May seconded the motion to **APPROVE SD 1503 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the developer revise the plat in the following manner:
 - a. Include the Ordinance No. for the North/South alleyway located between Madison Avenue and Summit Street.
 - b. Include parkland dedication language with the following information:
 - 114 MF units x 2 persons/unit x 0.006 acres/person = 1.368 acres
 - 1.368 acres – 0.379 acres (credit for proposed park areas) = 0.989 acres x \$16,907.93/acre = \$16,725.53 or \$146.72 per unit.

- c. Further recommendations and/or corrections of Land Development.
 - d. That the plat to include a 15 foot radius on all right of way corners.
 - e. Change 18th Street to E 18th Street and 20th Street to E 20th Street.
- 2. A storm drainage study will be required with the Building permit submittal.
 - 3. A maintenance agreement will be required for the retaining wall along Summit St for the portion of wall retaining the Right-of-Way.
 - 4. An assessment of curb & gutter, sidewalk, and drive approaches along the perimeter will be required with the Building submittal. A permit will be required to fix all items in disrepair.

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May
VOTING NAY: None
ABSENT: Macy

RE: Case No. 636-S-3 –Amended and Restated Armour/Gillham
Corridor General Development Plan – Blight Study
Addendum

APPLICANT: Al Figuly; Planned Industrial Expansion Authority

REQUEST: About 55 acres on either side of West and East Armour Boulevard from just east of Broadway Boulevard on the west to The Paseo on the east, to consider the approval of an addendum to the Amended and Restated Armour/Gillham Corridor Blight Study for the **Armour/Gillham Corridor General Development Plan**, pursuant to the Missouri Planned Industrial Expansion Authority (PIEA) Law 100.300-100.620.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record requested this matter be dismissed.

Vice Chair Archie opened discussion to the public.

No one appeared in opposition.

Commissioner Crawl moved and Commissioner Martin seconded the motion to **DISMISS Case No. 636-S-3.**

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, and May

VOTING NAY: None
ABSENT: Macy

RE: **Case No. 718-S**

APPLICANT: Al Figuly, Executive Director
Planned Industrial Expansion Authority
20 E 5th Street, Suite 200
Kansas City, Missouri 64106

LOCATION: Generally located on either side of N Corrington Avenue, north of
E Front Street

AREA: About 60 acres

REQUEST: To consider the approval of the Frontage at Executive Park Area
General Development Plan pursuant to the Missouri Planned
Industrial Expansion Authority (PIEA) Law 100.300-100.620,
RSMo.

Mr. John Eckardt, Staff Planner, presented the staff report and recommended approval subject to the conditions in the staff report.

Vice Chair Archie asked to hear from the applicant.

Mr. Pat Sterritt, on behalf of the Planned Expansion Authority; he explained the parcel components, the owner was Universal Land Development Company; he explained what an “Undeveloped Industrial Area”; with conditions that retard economic or social growth and what would be considered “qualifying conditions”.

He explained the cost factors, i.e. inactive or ineffective street layout; access roads on site were trampled down vegetation/weeds; and the location of the electric transmission lines.

The economic waste was present by the lack of development and the low assessed values and tax revenues; social liability was criminal trespass and illegal dumping.

They were proposing office, industrial and warehouse uses in excess of 850,000 sq. ft.; the general development plan would be completed in 15 years.

There were no blighting factors; it simply qualified as an underdeveloped industrial area under the PIA; and it had been determined that it was a project that was need of public assistance so they asked their recommendation of approval of the General Development Plan as well as the finding of an underdeveloped industrial area.

Vice Chair Archie asked about the law; what would be different about that property in order to make it not to qualify.

Mr. Sterritt answered anyone of those factors; if it didn't satisfy any of those other factors, then it certainly wouldn't qualify.

Vice Chair Archie stated then by reason of inadequate street layout, physical improvements, inadequate subdivision, platting of vacant lots of the land not being used economically and it contained elements that it had been there for a long time. If he would make a difference between whether or not it was or was not, then he would have to note what did it quality.

Mr. Sterritt answered that one of the items as a result of the conditions that is there social liability; without the criminal trespass on the site, then there would be some question on whether or not the site would qualify as an underdeveloped industrial area. That element did have to be there.

Commissioner May stated he had mentioned it was a growing industrial area; had there been anything given by PIA for any of the part that had grown.

Mr. Sterritt answered yes.

Commissioner May asked about the property he was currently there on; was it tax delinquent.

Mr. Sterrit answered yes.

Commissioner May stated those were the things that caused her problems; currently being delinquent in taxes and then looking for tax abatements to stimulate growth. When did they stop giving tax abatements to areas that were growing?

Mr. Sterritt stated that the Executive Park had been there since 1974; while there were certain things in industrial areas that received public assistance, there hadn't been growth on that side of the Avenue.

Commissioner Baker-Hughes asked so they weren't finding blight but inadequacy? How did the thing that Mr. Eckardt mentioned would not apply nor would they change the wording from blight to inadequacy.

Mr. Aaron Marsh, attorney with White Goss Law firm, representing the frontage at Executive Park; they hoped to develop 3 state-of-the-art industrial warehouse buildings in an area in the east bottoms that was a mature market. There had not been a new state-of-the-art over 100,000 sq. ft. warehouses built in that area. In order for them to compete in the market, they would like to develop those buildings and invest over 52 million dollars in all 3 buildings.

A little history, the Missouri Constitution as a standalone matter allowed for the grant of tax abatement to promote industrial development. The PIA statute stated that if the land that was underdeveloped industrial area, that body itself with a couple of other criteria allowed the grant of tax abatement. The Plan that they were asking for them to endorse was approved by the PIA Board they all said that was an area of the City where it was actually an underdeveloped industrial area and there happened to be some of those criteria; there were no streets that went to

the 60-acre tract; there was an old temporary cul de sac that was the south border that was crumbling; there was vagrancy, illegal dumping, so there were some of those criteria in addition to an underutilized underdeveloped industrial area. They were asking them to endorse the plan which didn't provide for a specific amount of tax abatement; should the Plan be approved by the City Council, on a project by project basis they had to go back before the PIA Board and make their case for the level of incentives for each individual building.

Vice Chair Archie asked if he agreed that as they looked at it and agreed to a finding there ought to be a means of comparing contracts; they should be able to say that was isolated from all of the other like properties and get the designation from something that was clearly defined in their minds.

Mr. Marsh stated yes, he believed they did qualify; they were not just a bean field; they were something more in the middle of an industrial area; they didn't have roads, they had illegal dumping, vagrancy and those characteristics alone were enough for the to satisfy the PIA statute.

Vice Chair Archie stated that then no roads and illegal dumping meant that industrial area qualified for a category that gave tax abatements up to 25 years.

Mr. Marsh stated it qualified according to the PIA statute.

Commissioner Baker-Hughes asked about the property to the east would also qualify.

Mr. Marsh answered that the property to the east where the City had its tow lot.

Commissioner Baker-Hughes assuming that it was owned by the same people they were talking about; there were no roads; she was confused; she was struggling with it; she pointed out another property and asked if that would qualify as inadequate.

Mr. Marsh answered he didn't know the characteristics of that property.

Commissioner Baker-Hughes stated but she saw no roads.

Mr. Marsh stated that the fact there were no roads, inadequate street layout was a criteria; it may not be sufficient criteria but it was criteria enough under the statute for a PIA Plan to be approved using the classification of undeveloped industrial area. In their case, they had more than that, dumping, people driving over the property, they didn't have sewers, water extension; they had a piece of property that had been passed over for industrial development for as long as the east bottoms had been attractive industrial area. It was an opportunity to bring in an industrial space that the industrial market was saying they had to have like 30 foot floor to ceiling clearances; large spaces; they were not there asking for a specific amount of tax abatement, they were asking to let them move forward in the process and continue to make their case to the City Council and then to the PIA for specific tax abatement and that would be good for the City of Kansas City.

Vice Chair Archie stated there was a threshold they were looking for; and while the other things were put very eloquently and they make sense, it didn't make that threshold appear; like defective and inadequate street road layouts and they were saying there were no roads; what he meant was in any industrial property where there was no road then that meant it would be defective and inadequate street layout.

Mr. Marsh stated that was correct; but he was saying they had more than just lack of streets; they had property that was economically under-utilized which was an additional criterion.

Vice Chair Archie stated he had interpreted the law to him but he was reading it differently; and the more he read it the greater his concerns.

Commissioner Crowl stated he could see the economic portion of it since the site wasn't being used; but there was a road; he was having trouble with the blight piece.

Commissioner May added on page 5 was where the wording needed to be changed from "blight" "to underdeveloped industrial area due to inadequacy"; and what would be the next step.

Mr. Eckardt stated on page 6 (e) to change the wording; what he thought depending on what they did they had to act on whether it was underdeveloped industrial area due to inadequacy and then act on the approval of the plan; and then it would go forward to the City Council either way and then he would tell the City Council what they had said. If the Council would approve it and in order for them to seek tax abatement, they would have to come back to the Commission for a rezoning to a UR; where they would address, again, those inadequacies.

Vice Chair Archie opened up the discussion to the audience.

Ms. Rhianna Disoledge, 14001 Lookout Drive, Kansas City, Missouri; came about another case, but she would like to make a couple of comments. It was very non-specific, not sure whether it was 5, 10, 15, or 25 years; didn't understand the tax payer, the school districts, the library systems that would all be affected by this tax abatement should be involved in something like this. They heard the word "Kansas"; the distinct threat again that if they didn't allow the tax abatement, the business would run over to Kansas; she didn't understand the state statute that pertained to every undeveloped industrial area with no roads and no sewers and she was speaking from a tax payer's perspective and a neighborhood perspective. It was a bean field, why did the developer choose that particular land without the infrastructure, without the roads, sewers there was plenty of vacant land all over Kansas City. She would encourage them not to vote for it and ask for more specifics on how long the tax abatement was going to go.

Mr. David (last name inaudible), Executive Director of PIA; the property that had the issues that Mr. Marsh stated put the property at a significant disadvantage compared to its competitors; the difference between those were the factors mentioned in keeping it from being developed.

DISCUSSION:

Commissioner May stated she was having trouble with the tax abatement in that it seemed like it had been used very liberal in certain areas and yet in parts of the City that she believed needed it the most that was really keeping the City from moving forward because of cost, they were limited; the whole thing of underdeveloped industrial area was a bit troublesome; when she looked at that area in general, it didn't appear that the larger area was underdeveloped, just that portion that was outlined; whatever they did, moving on to Council; she felt it should not be approved at their level and let the Council do whatever they think was appropriate.

Commissioner Crowl stated he found it difficult to call it blight; but inadequate he saw potential with that because there would need to be a lot of improvements to be made to make the site useable for future industrial use. He didn't know if it was any more unique than any other open sites around the City.

MOTION TO APPROVE THE FINDING OF AN UNDERDEVELOPED INDUSTRIAL AREA; Motion failed 3-3; Voting Aye: Gutierrez, Martin and Crowl; Voting Nay: Archie, May, and Baker-Hughes; Absent: Macy.

MOTION TO DENY THE FINDING OF AN UNDERDEVELOPED INDUSTRIAL AREA; Motion failed 3-3; Voting Aye: Archie, May, and Baker-Hughes; Voting Nay: Gutierrez, Martin and Crowl; Absent: Macy.

Motion for RECOMMENDATION from City Plan Commission to City Council failed.

Motion to **APPROVE** the Executive Park Area General Development Plan with revisions to the plan; Motion carried 4-2; Voting Aye: Archie, Crowl, Gutierrez, Martin; Voting Nay: May, Baker-Hughes; Absent: Macy

Conditions: Note additions in **bold** and deletions in ~~strikethrough~~:

2. That three (3) copies (and an electronic version of the plan) of the revised plan be submitted to Development Management staff (15th Floor, City Hall), prior to ordinance request showing:
 - a. Page 21, Add "The removal of all existing ~~blighting~~ **inadequate** aspects" to the list of items included in the redevelopment strategy, emphasizing the following.....
 - b. Page 17, In the Statement of Uses to be Permitted, also add a list of Restricted uses which qualify for tax abatement, including the following: *Junk/Salvage Yard, Manufacturing, Intensive or Waste Related Use – all as defined by the Zoning and Development Code.*
 - c. Include a section which states that all ~~blighting~~ **inadequate** aspects must be abated in order for the applicant to qualify for tax abatement and state examples of how this will be accomplished. For example, state that the electric transmission lines must be relocated, that N Corrington will be widened or brought up to current street standards and the site will be adequately platted.
 - d. Page 26, Remove no street changes or street grades are anticipated for the Planning Area and replace with, Changes to the street system and grades for the site will be required in order to remove the stated ~~blighting~~ **inadequate** aspects of the plan.

e. Page 26, Remove no changes are anticipated in the utility provision in the planning area and replace with, Changes to the utility provision for the site will be accomplished in order to remove the stated ~~blighting~~ **inadequate** aspects of the plan.

Re: Case No. 254-S-304 (9)

Applicant: Councilperson Ed Ford

Proponent: Board of Parks and Recreation Commissioners

Request: **Case No. 254-S-304** -- Amending Chapter 88, Zoning & Development Code, Sections 88-110-03-G, 88-120-03-G, 88-130-04-G, 88-140-03-G (all titled "Special Standards Adjacent to and within 150 feet of Parks, Boulevards, and Parkways"), Tables 110-1 (Residential Districts Use Table), 120-1 (Office, Business, and Commercial Districts Use Table), 130-1 (Downtown Districts Use Table) and 140-1 (Manufacturing Districts Use Table); Sections 88-310 Adult Businesses and Adult Media; 88-325 Short-Term Loan Establishments, 88-331 Day Labor Employment Agency, 88-335 Detention and Correctional Facilities, 88-340 Drive-Through Facilities, 88-375 Vehicle Storage and Towing, and adding Sections 88-323 Boulevard and Parkway Standards and 88-450 Pedestrian Standards – to add restrictions and standards for uses located adjacent to and within 150 feet of parks, boulevards and parkways and to clarify the applicability of the *Boulevard and Parkway Standards* to property under the jurisdiction of the Board of Parks and Recreation Commissioners.

Ms. Diane Binckley, Assistant Secretary, requested this matter be continued to the May 5, 2015 meeting date without fee.

Vice Chair Archie opened discussion to the public.

No one appeared in opposition.

Commissioner Martin moved and Commissioner Gutierrez seconded the motion to **CONTINUE** this matter to the May 5, 2015 date without fee.

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May
VOTING NAY: None
ABSENT: Macy

RE: Case No. 14545-SU

APPLICANT/ AGENT: Vince LaTona
LaTona Architects
1600 Genessee
Kansas City, MO 64102

OWNER: Raman Property, LLC
3800 E. Gregory Boulevard
Kansas City, MO 64132

LOCATION: **3800 E. Gregory Boulevard** - Generally located at the northeast corner of Cleveland Avenue and E. Gregory Boulevard.

AREA: About 0.28 acres.

ZONING: B1-1 (Neighborhood Business 1 dash 1).

REQUESTS: To consider approval of a request for a Special Use Permit in District B1-1 (Neighborhood Business 1 dash 1), to allow for a new 25' x 50' gas canopy with two islands (4 pumps) to the existing convenience store, plus any necessary variances.

Ms. Diane Binckley, Assistant Secretary, requested this matter be continued to the May 19, 2015 meeting date without fee.

Vice Chair Archie opened discussion to the public.

No one appeared in opposition.

Commissioner Martin moved and Commissioner Baker-Hughes seconded the motion to **CONTINUE** this matter to the May 19, 2015 date without fee.

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin and May
VOTING NAY: None
ABSENT: Macy

RE: **a. Case No. 14546-P**
b. Case No. 14546-P-1

APPLICANT: Jacqueline Foy
BSA Life Structures
11523 Ash St
Leawood, KS 66211

OWNER: Children's Mercy Hospital

2401 Gillham Rd
Kansas City, MO 64108

LOCATION: Generally located west of Kenwood Ave between E 22nd St and E 23rd St

REQUESTS:

- a.** To consider rezoning from District R-0.5 (Residential 0.5) to District DC (Downtown Core).
- b.** To consider approval of a development plan allowing an 187,000 square foot office building in District DC (Downtown Core).

Ms. Diane Binckley, Assistant Secretary, requested this matter be continued to the May 5, 2015 meeting date without fee.

Vice Chair Archie opened discussion to the public.

No one appeared in opposition.

Commissioner Martin moved and Commissioner May seconded the motion to **CONTINUE** this matter to the May 5, 2015 date without fee.

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May
VOTING NAY: None
ABSENT: Macy

RE:

- a) Case No. 403-S-5**
- b) Case No. 6720-P-18**
- c) Case No. 6720-P-19**

APPLICANT/ OWNER: Quik Trip Corporation
5725 Foxridge Dr.
Mission, KS 66202

AGENT: Patricia R. Jensen c/o Elaine Bowers
White Goss
4510 Belleview, Ste. 300
Kansas City, MO 64111

LOCATION: **6400 E. 87TH Street** - Generally located at the northwest corner of E. 87th Street and Fremont Avenue.

AREA: About 3 acres.

ZONING: Districts R-7.5 (Residential dash 7.5) & URD (Urban Redevelopment District).

- REQUESTS:**
- a) **Case No. 403-S-5** – To consider a request to amend the Blue Ridge Corridor Plan by changing the recommended land use on about 3 acres, generally located at the northwest corner of E. 87th Street and Fremont Avenue, from Residential to Commercial.
 - b) **Case No. 6720-P-18** – To consider rezoning a 2.66 acre tract of land from Districts R-7.5 (Residential dash 7.5) and UR (Urban Redevelopment) to District B2-2 (Neighborhood Business dash 2).
 - c) **Case No. 6720-P-19** – To consider approval of a development plan in lieu of a Special Use Permit in District B2-2 (Neighborhood Business dash 2), on about 2.66 acres, to allow for gasoline and fuel sales use.

Mr. Olofu Agbaji, Staff Planner, presented the staff report and recommended approval subject to the conditions in the staff report.

Vice Chair Archie asked to hear from the applicant.

Ms. Patricia Jensen, White Goss Law Firm there on behalf of the QuikTrip Corporation; you heard this back in February and the adjacent property owner had concerns about it being located so close to his property; they had communicated with him ahead of that February meeting and in fact had an email from him supporting what they had proposed and then he had second thoughts. Subsequent to that, they had been able to negotiate for the purchase of his property; so all we are doing is incorporating his property into the overall development plan. They were in agreement with the staff report and the conditions.

Vice Chair Archie opened up the discussion to the audience.

Ms. Carol McClure; they wanted to say they are totally in support of this project and Ms. Jensen had been very good about keeping them informed as to what was taking place since the February meeting.

Commissioner May moved and Commissioner Baker-Hughes seconded the motion to **APPROVE Case No. 403-S-5 WITHOUT CONDITIONS; APPROVED Case No. 6720-P-18 WITHOUT CONDITIONS; and APPROVE Case No. 6720-P-19 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That three (3) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff, prior to ordinance request showing:

- a. Location and details of short-term and long-term bicycle parking demonstrating their conformance with 88-420-09 based on the number of parking spaces provided.
- b. The final landscaping plan sealed by a Landscape Architect registered in the State of Missouri.
- c. The Right-of-Way dedication and proposed improvements on Fremont Avenue to meet current APWA standards.
- d. Wider sidewalk along E. 87th St, where adjacent to the curb, per APWA standards.

Conditions 2. - 17. per City Planning & Development, Land Development Division (Brett Cox, brett.cox@kcmo.org)

2. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations, by making application under said code for a Minor Subdivision and submitting and recording a Lot Line Adjustment Plat or replatting the property in accordance therewith prior to issuance of building permit.
3. That the developer submit a detailed Storm Drainage Study, in general compliance with adopted standards, including a BMP level of service analysis, prior to approval and issuance of any building permits, that the developer make on-site improvements and/or improve downstream conveyance systems to address impacts and changes in flow characteristics leaving the site and that the developer construct any other improvements as required by Land Development Division or Water Service Department as necessary to mitigate final runoff rate, volume, and quality of runoff from the proposed site for each phase being constructed.
4. The developer must dedicate additional right of way for E 87th Street as required by the adopted Major Street Plan so as to provide a minimum of 50 feet of right of way as measured from the centerline, and ensure right of way dedication is adequate for any proposed road improvements as required by Public Works Department adjacent to this project.
5. The developer must dedicate additional right of way for Fremont Avenue as required by the Chapter 88 Development Code so as to provide a minimum of 25 feet of right of way as measured from the centerline, and ensure right of way dedication is adequate for any proposed road improvements as required by Public Works Department adjacent to this project.
6. That the west half of Fremont Avenue shall be improved to Local standards as required by the Land Development Division, including sidewalks, street lights, etc., as may be required to complete the west half section to current standards including relocating any utilities as may be necessary, obtaining required permit for said improvement, prior to issuance of any certificate of occupancy.
7. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
8. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing

properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.

9. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
10. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
11. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.
12. The developer must secure permits to construct new sidewalks as necessary along all development street frontages in accordance with Chapters 56 and 64 of the Code of Ordinances, as required by the Land Development Division, prior to issuance of any certificate of occupancy.
13. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
14. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
15. The developer shall verify vertical and horizontal sight distance for the Freemont Avenue access and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
16. The developer must grant on City approved forms, BMP Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or bmp permits, whichever occurs first.
17. The developer must grant a city approved pedestrian right-of-way easement, for the portions

of the public sidewalks approved to be outside of the street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.

Conditions 18. - 20. per Public Works Department, Transportation Planning Section, (Gnani Mahalingam, Gnani.Mahalingam@kcmo.org)

18. Add a 150 feet long southbound left-turn lane plus appropriate taper on Fremont Avenue at the intersection with Hillcrest Road, utilizing said collector street right-of-way.
19. Enter into a cooperative agreement to contribute the additional cost of adding an exclusive southbound left-turn phase at the traffic signals at Fremont Avenue and Hillcrest Road at such time that the Public Works Department determines it to be necessary. It is anticipated that the contribution shall be required by Public Works Department at the time that Hillcrest Avenue is upgraded for the Cerner Development Phases 1 and 2 on the south side of E. 87th Street at Hillcrest Road, but should said Cerner development phase 1 and 2 upgrade be delayed, modified, or abandoned, the Public Works Department shall determine the appropriate time for the contribution and upgrade to the traffic signals.
20. Restripe the painted median of E. 87th Street so as to provide an eastbound two-way left turn lane into the south driveway.

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin and May
VOTING NAY: None
ABSENT: Macy

Re: Case No. 254-S-293

Request: Amending Chapter 88, Section 88-445-11 Council Approved Signage Plan, to allow approval of such plan in Residential Districts, subject to provisions

Sponsor: Councilman Ed Ford introduced Ordinance 140396 on May 15, 2014. Various committee substitute ordinances have been discussed.

Ms. Patty Noll, Staff Planner, presented the staff report and recommended approval.

Vice Chair Archie asked what would happen if a school gets the sign permitted and the building becomes repurposed for something else; then does the sign carry over with the property or carry over with the activity.

Ms. Noll stated it would fall under the “use” group and defined as an institutional use the sign could remain; if it became some type of commercial district then it would have to be rezoned commercial so then it would be different.

Vice Chair Archie stated and where there is acreage there could be a single measure and in some places the same goal that is achieved in rural area could be achieved and in urban area acreage wouldn’t be the only distinctive that would separate.

Vice Chair Archie opened up the discussion to the audience.

Ms. Rhianna Disoledge, 14001 Lookout Drive, Kansas City, Missouri; they had been involved with this as neighbors for about one year; the process has been fulfilling in working with staff and coming up with all of the different compromises. However, there would be enforcement issues with those signs and with the economics of the City they wouldn't be able to go out and hire digital sign enforcement people so it was still a concern. She was very supportive of all the different conditions with the revised Ordinance.

Ms. Francis (inaudible); she was taught to obey the laws and if the laws needed to be changed people could work to get them changed and couldn't believe the school district installed the signs before discussion to change the Ordinance ended. Not in support at all.

Ms. Tiffany Moore; it had been a long process for about one year; and she thought they could move on to the next phase in the conversation they had come to a compromise at the same time acknowledged they all had different types of neighborhoods. She thought the Commission had shown great support in neighborhood discussions and concerns.

Mr. Danny Clemens, 1209 NW 108th Court; Assistant Superintendent of North Kansas City Schools; really appreciated the time the Commission had spent on looking at everything. He received the staff report and agreed with everything except one for the one hour change. On the way there today, he passed 3 MoDOT signs and they were all digital talking about 3 closures or future closures all of them changed in about 3 or 4 seconds; he didn't think MoDOT would put signs up that would distract drivers on the highways. He felt you needed more than one screen to show a school's events unable to get the whole message at once out there. He agreed they had many ways to communicate with parents, but they also wanted to communicate with the community. His only request today would be to take a look at the statement A about the times the sign could change and it should be taken out altogether.

Commissioner Martin moved and Commissioner Gutierrez seconded the motion to **APPROVE Case No. 254-S-293.**

Motion carried 6-0

VOTING AYE:	Archie, Baker-Hughes, Crawl, Gutierrez, Martin and May
VOTING NAY:	None
ABSENT:	Macy

Re: Case No. 254-S-302

Request: Amending Chapter 88, Zoning and Development Code, 400 Series Development Standards, to revise Section 88-405 Subdivision Design and Improvements and to create a new section 88-408 titled Parkland Dedication.

Sponsor: Jeffrey Williams, AICP, Director, City Planning & Development

Ms. Patty Noll, Staff Planner, presented the staff report and recommended approval.

Vice Chair Archie opened up the discussion to the audience.

No one appeared in opposition

Commissioner May moved and Commissioner Martin seconded the motion to **APPROVE Case No. 254-S-302.**

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin and May
VOTING NAY: None
ABSENT: Macy

RE:
a) **Case No. 11980-CUP-8**
b) **Case No. 14549-P**
c) **Case No. 14549-P-1**

APPLICANT: Jim Owens
Northview Development, LLC
P. O. Box 901471
Kansas City, MO 64190

AGENT: Shannon Buster, P.E.
Lutjen, Inc.
1301 Burlington Street, #100
N. Kansas City, MO 64116

LOCATION: Generally located on the north side of NE Barry Road, on both sides of N. Mersington Avenue, and on the west side of N. Brighton Avenue, approximately 1,300 feet north of NE Barry Road.

AREA:
a) Approximately 28 acres.
b & c) Approximately 92 acres.

REQUESTS:
a) **Case No. 11980-CUP-8** - To consider a request to amend a previously approved Chapter 80 CUP Preliminary Development plan in District R-6, (formerly District R1b) to allow for the deletion of 14.12 acres (36 lots) from the Community Unit Plan.
b) **Case No. 14549-P** - To consider a request to rezone a 93 acre tract of land from Districts R-6 and R-80 to District R-7.5 (Residential dash 7.5).
c) **Case No. 14549-P-1** – To consider approval of a development plan in District R-7.5 (Residential dash 7.5) to allow for 159 single

family lots and 12 Tracts.

Mr. Olofu Agbaji, Staff Planner, presented the staff report and recommended approval subject to the conditions stated in the staff report.

Vice Chair Archie asked to hear from the applicant.

Ms. Shannon Buster, Lutjen, Inc.; 1301 Burlington, North Kanas City representing Northview Development; didn't have anything to add to the report; this new plan is a big improvement over the old plan; it will provide a quality development; in agreement with the staff report and all the conditions.

Vice Chair Archie opened up the discussion to the audience.

No one appeared in opposition

Commissioner Martin moved and Commissioner May seconded the motion to **APPROVE Case No. 11980-CUP-8 SUBJECT TO CONDITIONS:**

1. Conditions of approval of Committee Substitute Ordinance No. 010332, passed by City Council on May 31, 2001 (Case No. 11980-CUP-4).
2. That the developer submit a revised/ updated overall Essex development plan that shows the updated development data including phasing to Development Management Division prior to ordinance request.

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin and May
VOTING NAY: None
ABSENT: Macy

Commissioner Martin moved and Commissioner May seconded the motion to **Case No. 14549-P WITHOUT CONDITIONS.**

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin and May
VOTING NAY: None
ABSENT: Macy

Commissioner Martin moved and Commissioner May seconded the motion to **Case No. 143549-P-1 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That three (3) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all

listed sheets), revised as noted, be submitted to Development Management staff, prior to ordinance request showing:

- a. Open Space Development Standards on the phase of the plan.
- b. 150' radius of future roundabout at the intersection of NE Barry Road and N. Brighton Avenue.
- c. 30' landscape buffer on lot that abuts N. Brighton Avenue.
- d. Connection to Northview Meadows to the north within Phase 3.
- e. Future bike routes and trails connecting to adjacent developments.
- f. Provide centerline information for all public streets.
- g. Dimension radius for cul-de-sacs.
- h. Identify on the Preliminary Stream Buffer Plan, the location of Mature Riparian Vegetation, not just Mature Vegetation.
- i. Clarify the "Preliminary Stream Buffer Middle Zone" designation.
- j. Identify Streamside/Middle/Outer Zone within proposed road right-of-way.

2. Condition 2. Through 6. per City Planning & Development, Development Management Division (Olofu Agbaji, Olofu.Agbaji@kcmo.org)

3. That the developer provide a stub street to the north property line to provide connectivity as required by Chapter 88-405-10 of the Zoning and Development Code as part of Phase 3.
4. That the developer revise the proposed development plan to include all the necessary Open Space Development standards outlined in Chapter 88-410-06-A through E as it relates to; Use, Location and Design; Ownership and Management of Open Space; Boundary Markers; and Legal Instrument for Permanent Protection.
5. The developer shall submit a street tree planting plan prior to or concurrent with the submittal of the final plat and secure the approval of the City Forester for street trees planted on right of way in front of residential lots, with a copy to be submitted to the Department of City Development. The plan shall include size, type, species and placement of trees. The developer shall agree to plant in accordance with the plan approved by the City Forester.
6. That the developer submit Street Naming Plan to Development Management Division prior to ordinance request of this final plat. Street naming plan shall be approved prior to issuance of address for this plat.
7. That the developer submit a Minor Site Plan to the Development Management Division for approval, including detailed information on landscaping, grading, screening, berming, fencing and signage for all POS tracts prior to Mylar approval of any final plat.
8. **Conditions 7. through 23. per City Planning & Development, Land Development Division (Brett Cox, Brett.Cox@kcmo.org)**
9. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.

10. The developer shall submit a Macro "Overall" storm drainage analysis from a Missouri-licensed civil engineer for the entire development in accordance with adopted standards to the Land Development Division for review and acceptance at the time the first plat is submitted, with a Micro "detailed" storm drainage study, including a BMP level of service analysis, in accordance with current adopted standards to be submitted for each phase at the time of final platting, and the developer secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
11. The developer must dedicate additional right of way for NE Barry Road as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 100 feet of right of way, and ensure right of way dedication is adequate for any proposed road improvements as required by Public Works Department adjacent to this project.
12. The developer must dedicate additional right of way for N Brighton Ave. as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 50 feet of right of way as measured from the centerline, and ensure right of way dedication is adequate for any proposed road improvements as required by Public Works Department adjacent to this project.
13. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
14. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
15. The developer must design and construct all interior public streets to City Standards, in accordance with Chapter 88 as required by the Land Development Division, including curb and gutter, storm sewers, street lights, and sidewalks.
16. The developer must construct temporary off-site cul-de-sacs and grant a city approved temporary cul-de-sac easement, for that portion outside of the dedicated street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
17. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
18. The developer shall verify vertical and horizontal sight distance for the street connection to N Brighton Ave. and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
19. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing

properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.

20. The developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
21. The developer must secure permits to extend sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
22. The developer shall submit a preliminary buffer plan prior to approval of the Rezoning plan in accordance with the Section 88-415 requirements.
23. The developer shall submit a final stream buffer plan to the Land Development Division for approval and obtain permits for the Stream Buffer prior to recording the Final Plat, in accordance with the Section 88-415 requirements.
24. The developer must show and label the final stream buffer zones on the subdivision plat within a private open space tract, as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.
25. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.
26. **Condition 24. per Water Services Department (Heather Massey, Heather.Massey@kcmo.org)**
27. That the developer extend water main and provide easement as required by the Water Services Department.
28. **Condition 25. per Parks and Recreation Department (Richard Allen, richard.allen@kcmo.org)**
29. That the developer either dedicate 3.53 acres or contribute \$59,681.61 in lieu of parkland dedication in satisfaction of Section 88-405-17 of the Zoning and Development Code.
Calculation based on:
 - i. 159 single-family lots x 3.7 x 0.006 = 3.53 acres
 - ii. 3.53 acres x \$16,907.93 = \$59,681.61
30. **Condition 26. per Fire Marshal's Office (John Hastings, John.Hastings@kcmo.org)**
31. That the developer provide fire protection as required by the Fire Department.

Motion carried 6-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin and May
VOTING NAY: None
ABSENT: Macy

RE: a) **14538-P**
b) **14538-P-1**

APPLICANT: James Peterson
J.A. Peterson Enterprises, Inc.
1000 W 75th Street, Suite 100
Shawnee Mission, KS 66204

AGENT: Brian P. Forquer
Lutjen, Inc.
1301 Burlington, #100
North Kansas City, MO 64116

LOCATION: Generally located east of N Flintlock Road and south of NE 89th Street

AREA: About 80.31 acres

REQUEST: a) **Case No. 14538-P:** To consider rezoning from District R-80 (residential dash 80) to District R-7.5 (residential dash 7.5); and
b) **Case No. 14538-P-1:** Approval of a preliminary development plan that also serves as a preliminary plat for 82 single family residential lots and 8 private open space tracts.

Quorum: Baker-Hughes, Crawl, May, and Macy

Recused Commissioner Gutierrez and Commissioner Martin

Ms. Ashley Winchell, Staff Planner, presented the staff report and recommended approval subject to the conditions stated in the staff report.

Chairwoman Macy asked to hear from the applicant.

They sent around notice to all the neighbors and the HOA and he and Mr. Peterson had conversations for about 2 ½ hours and the result was they created a subcommittee of the Board of the HOA to take up the issue that was brought up at this meeting; following that meeting the opposition that came to the last meeting have changed their positions and in favor of both applications.

Chairwoman Macy opened up the discussion to the audience.

No one appeared in opposition.

Commissioner May moved and Commissioner Baker-Hughes seconded the motion to **APPROVE Case No. 14538-P WITHOUT CONDITIONS and Case No. 14538-P-1 SUBJECT TO THE FOLLOWING CONDITIONS:**

Conditions 1-3 per City Planning & Development, Development Management Division (Ashley Winchell, ashley.winchell@kcmo.org)

1. The developer shall submit a street tree planting plan prior to or concurrent with the submittal of the final plat and secure the approval of the City Forester for street trees planted on right of way in front of residential lots, with a copy to be submitted to the Department of City Development. The plan shall include size, type, species and placement of trees. The developer shall agree to plant in accordance with the plan approved by the City Forester.
2. That the developer submit a Minor Site Plan to the Development Management Division for approval, including detailed information on landscaping, grading, screening, berming, fencing and signage for Tracts A and C prior to Mylar approval.
3. That the developer dedicate 1.82 acres of parkland or contribute \$32,352.51 in lieu of parkland dedication for the 82 single family lots (82 lots x 3.7 x 0.006 x \$17,772.20 = \$32,352.51) in satisfaction of Chapter 88-405-17 of the Zoning and Development Code.

Conditions 4-19 per City Planning & Development, Land Development Division (Brett Cox, brett.cox@kcmo.org)

4. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
5. The developer shall submit a Macro "Overall" storm drainage analysis from a Missouri-licensed civil engineer for the entire development in accordance with adopted standards to the Land Development Division for review and acceptance at the time the first plat is submitted, with a Micro "detailed" storm drainage study, including a BMP level of service analysis, in accordance with current adopted standards to be submitted for each phase at the time of final platting, and the developer secure permits to construct any improvements required by the Land Development Division prior to recording the plat.
6. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
7. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
8. The developer must design and construct all interior public streets to City Standards, as required by the Land Development Division, including curb and gutter, storm sewers,

- street lights, and sidewalks with a waiver requiring sidewalks only on one side of the street.
9. The developer must construct temporary off-site cul-de-sacs and grant a city approved temporary cul-de-sac easement, for that portion outside of the dedicated street right-of-way, to the City as required by the Land Development Division, prior to recording the plat.
 10. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
 11. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
 12. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance for any proposed disturbance area equal to one acre or more and secure a Site Disturbance permit prior to beginning any construction activities.
 13. The developer must secure permits to extend sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
 14. The developer must grant a BMP and Surface Drainage Easements to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
 15. The developer shall submit a preliminary buffer plan prior to approval of the Development plan in accordance with the Section 88-415 requirements.
 16. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the Stream Buffer prior to removal of any mature riparian species within the buffer zones due to building activities on the site, in accordance with the Section 88-415 requirements.
 17. The developer must obtain a floodplain certificate from Development Services prior to beginning any construction activities with the floodplain.
 18. The developer must show the limits of the 100-year floodplain on the final plat and show the Minimum Low Opening Elevation (MLOE) of any structure on each lot that abuts a 100-year flood prone area on any plat and plan, as required by the Land Development Division.
 19. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.

Condition 20 per Water Services Department (James Cole, james.cole@kcmo.org)

20. Numerous downstream problems exist as identified in the KC-One City Wide Comprehensive Stormwater Management Plan. In addition to complying with the Stream Setback Ordinance, APWA 5600 and APWA/MARC BMP Manual

Requirements, no increases in discharge rate or additional impacts on downstream infrastructure or stream shall occur as result of this development.

Condition 21 per Water Services Department (Heather Massey, heather.massey@kcmo.org)

21. That the developer extend water mains and provide easements as required by Water Services Department.

Motion carried 4-0.

VOTING AYE: Baker-Hughes, Crowl, May and Macy
VOTING NAY: None
RECUSED: Gutierrez, Martin
ABSENT: Archie

RE: Case No. 1703-V

APPLICANT: Todd Kaestner
Brookdale
111 Westwood Place, Suite 400
Brentwood, TN 37027

PROPERTY OWNER: BLC KC GC, LLC
330 N Wabash, Suite 1400
Chicago, IL 60611

AGENT: Andres Vicuna
Landplan Engineering, PA
1310 Wakarusa Drive
Lawrence KS 66049

LOCATION: generally located at the southwest corner of W 107th Street and Wornall Road

REQUEST: to vacate all of Bridlespur Terrace as established by The Charter plat from the western line of Wornall Road to the east to its terminus at the southern property line of the plat

Ms. Ashley Winchell, Staff Planner, presented the staff report and recommended approval subject to the conditions stated in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Andreas (inaudible); agreed with staff report and conditions.

Chairwoman Macy opened up the discussion to the audience.

No one appeared in opposition.

Commissioner Martin moved and Commissioner Baker-Hughes seconded the motion to
APPROVE Case No. 1703-V SUBJECT TO THE FOLLOWING CONDITIONS:

1. That a full-width utility easement be retained.
2. That any existing facilities within the right of way be protected.
3. That the developer receives approval of a Final Plan prior to construction of any parking facilities.

Motion carried 6-0.

VOTING AYE: Baker-Hughes, Crowl, Gutierrez, Martin, May and Macy
VOTING NAY: None
ABSENT: Archie

RE:	Case No. 1695-V
APPLICANT:	Guinotte Building, LLC 2616 Guinotte Avenue Kansas City, MO 64120
AGENT:	Jamie Jeffries Guinotte Building, LLC 1715 Bellevue Avenue Kansas City, MO 64108
LOCATION:	generally located at the northwest corner of N Montgall Avenue and Guinotte Avenue
REQUEST:	to vacate right-of-way located at the northwest corner of Guinotte Avenue and N Montgall, specifically Lot 7, Block 2 of Howard and Scott's Subdivision.

Ms. Ashley Winchell, Staff Planner, presented the staff report and recommended approval subject to the conditions stated in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Jamie Jefferies; the only addition to the utilities access; KCP& L actually acquired that and raised the power line over the property they had already done that; this would be zoned as a commercial lot.

Chairwoman Macy opened up the discussion to the audience.

No one appeared in opposition.

Commissioner Baker-Hughes moved and Commissioner Gutierrez seconded the motion to
APPROVE Case No. 1695-V SUBJECT TO THE FOLLOWING CONDITIONS:

1. That a full-width utility easement be retained.
2. That any existing facilities within the right of way be protected.
3. That the developer receive required building permits and certificates of occupancy for existing structures within right-of-way.

Motion carried 6-0.

VOTING AYE: Baker-Hughes, Crowl, Gutierrez, Martin, May and Macy
VOTING NAY: None
ABSENT: Archie

RE: Case No. 5202-SU-1

APPLICANT/ AGENT: Riad Baghdadi
RB Architecture
10107 W 105th Street
Overland Park, KS 66217

OWNER: Premier Petroleum, Inc.
PO Box 27229
Overland Park, KS 66210

LOCATION: **5600 Troost Avenue** - Generally located at the northwest corner of
E 56th Street and Troost Avenue

AREA: About 0.305 acres

ZONING: B3-2

REQUESTS: To consider approval of a request for a Special Use Permit in
District B3-2, to allow for a new convenience store building,
canopy and two pumps to replace the existing convenience store,
canopy and pumps, plus any necessary variances.

Ms. Ashley Winchell, Staff Planner, presented the staff report and recommended approval
subject to the conditions stated in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Riad Baghdadi, representing applicant; agreed with staff report and conditions; including the landscape plan on Troost.

Chairwoman Macy opened up the discussion to the audience.

Ms. Amy Schlegoff; they like the idea of it not being a parking lot right behind them because at the corner of 56th & Troost, there are cops up there all the time, people loitering and shooting their guns off all the time. The setback isn't the problem; what they would like is to have input on the screening between the building and their home; they look forward to working with them to come up with a solution.

Chairwoman Macy stated she would have time to address the screening; it would come back before them on the final plans.

Ms. Schlegoff asked if the screening was required to be maintained.

Ms. Binckley stated that if the plan is approved with whatever landscaping there is the landscaping is required to be maintained.

Commissioner Martin moved and Commissioner Baker-Hughes seconded the motion to **APPROVE Case No. 5202-SU-1 SUBJECT TO THE FOLLOWING CONDITIONS:**

Plan corrections a-k per City Planning & Development, Development Management Division (Ashley Winchell, ashley.winchell@kcmo.org)

- a. A signage plan that meets the requirement of Chapter 88-445 in its entirety.
- b. A lighting plan that meets the requirement of Chapter 88-430 in its entirety.
- c. A revised landscape plan that meets the requirement of Chapter 88-425 in its entirety.
- d. Identification and written dimensions of the total width of pavement of existing streets.
- e. Show dimensions of bicycle parking and provide specs of short-term bicycle racks.
- f. Location and written dimensions of the widths of existing or proposed private vehicular access into the property from perimeter streets and location of existing or approved accesses on properties adjacent or opposite the property, with off-set dimension from the centerlines of such streets and private access.
- g. Show existing conditions of surrounding property within 500'.
- h. Elevations for all structures showing materials to match the principal building.
- i. A window added to the north façade.
- j. Provide a fence no taller 4 feet constructed of materials in compliance with the Troost Action Plan adjacent to the east property line between the right-of-way and the vehicular use area.
- k. A sidewalk connection from front of the store to E 56th Street.

Plan correction l per City Planning & Development, Land Development Division (Brett Cox, brett.cox@kcmo.org)

1. Indicate proposed concept for stormwater management on-site.

Conditions 2-4 per City Planning & Development, Development Management Division (Ashley Winchell, ashley.winchell@kcmo.org)

3. Materials used for the canopy, convenience store building, fencing, dumpster enclosure and monument sign must be in compliance with the Troost Action Plan.
4. That the developer remove the existing pole sign.
5. That the developer obtain approval from the Board of Zoning Adjustment for a Special Use Permit and all necessary variances prior to issuance of Building Permit.

Conditions 5-8 per City Planning & Development, Land Development Division (Brett Cox, brett.cox@kcmo.org)

6. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer secure permits to construct any improvements required by the Land Development Division prior to issuance of a building permit.
7. The developer must integrate into the existing street light system any relocated existing street lights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
8. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.
9. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.

Motion carried 6-0.

VOTING AYE: Baker-Hughes, Crowl, Gutierrez, Martin, May and Macy

VOTING NAY: None
ABSENT: Archie

OTHER MATTERS:

Approval of the minutes of March 3, 2015.

Commissioner Martin moved and Commissioner Baker-Hughes seconded the motion to **APPROVE** the minutes from the March 3, 2015 meeting date.

Motion carried 6-0.

VOTING AYE: Baker-Hughes, Crowl, Gutierrez, Martin, May and Macy
VOTING NAY: None
ABSENT: Archie

There being no further business, Chairwoman Macy adjourned the meeting at 1:30 p.m.

Respectfully submitted,

Diane M. Binckley, AICP
Assistant Secretary

APPROVED:

Babette Macy, Chairwoman